



CITY APPOINTEES
 MARY SHARP, VICE CHAIR
 BERLIN BOYD
 RUSTY LINKOUS
 MARGARET PRITCHARD
 JAMES TOLES

MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD

EST. 1922 AS MEMPHIS PLANNING COMMISSION - REORGANIZED IN 1976

JOSH WHITEHEAD, AICP, SECRETARY

CITY HALL - 125 N. MAIN ST., STE. 468 - MEMPHIS, TENNESSEE 38103 - (901) 576-6610



COUNTY APPOINTEES
 JON MCCREERY, CHAIR
 ROBERT NORCROSS
 EMILY TRENHOLM
 LISA WILBANKS
 ROSLYN WILLIS

MINUTES September 13, 2012

Meeting Attendance

LUCB Board Members

OFFICERS/MEMBERS	NAME	PRESENT	ABSENT
Chairman	Jon McCreery	X	
Vice Chairman	Mary Sharp	X	
Member	Berlin Boyd	X	
Member	Rusty Linkous	X	
Member	Margaret Pritchard	X	
Member	Robert Norcross	X	
Member	James Toles	X	
Member	Emily Trenholm	X	
Member	Lisa Wilbanks	X	
Member	Rosalyn Willis	X	

Call to Order and Roll Call

Chairman McCreery called the meeting to order at 10:00 a.m. Norman Saliba called the roll. There was a quorum.

LUCB Staff: Brian Bacchus, Don Jones, Gregory Love, Terry Langlois, Calvin Abram, and Norman Saliba.

Others Present: Jack Stevenson, City Engineering Office, Bob Evans, County Engineering Office.

Chairman's Opening Remarks

Chairman McCreery read the General Order of the Public Hearing proceedings and the Conflict of Interest Statement.

Secretary's Report

There was none

Approval of Minutes: August 9, 2012

Board Member Pritchard made a motion to approve the minutes. Board Member Norcross seconded the motion. The motion passed unanimously.

General Order of Public Hearing

Chairman McCreery explained the procedure for hearing the applications; staff presentation for the application; applicant comments; comments from the public; time limits; rebuttal; and the LUCB's discussion and action. The Consent Agenda Items 1 and 3 were read. Chairman McCreery also explained the procedure for hearing the Consent Agenda Items. He then introduced Board Member Boyd to be the Subdivision Chair and to read the Consent Agenda Items.

Consent Agenda (Items 1 through 3)

1. CASE NUMBER: **PD 90-342**

DEVELOPMENT NAME: **CROWN CENTRE PD, PHASE III**

Request: Site plan approval for an Office and Bank Use.

Staff's Recommendation: Approval with conditions

2. CASE NUMBER: **PD 12-102**

DEVELOPMENT NAME: **OAKLEAF OFFICE LANE PLANNED DEVELOPMENT, PHASE II**

Request: Remove the side setbacks between Lots 8 & 9 to allow a covered deck connecting the existing buildings on the lots.

Staff's Recommendation: Approval

3. CASE NUMBER: **UV 10-13**

LOCATION NAME: **Northwest corner of Hyde Park Boulevard and Griggs Avenue**

Request: A two year time extension to the Approved Use Variance for the construction of an off-site parking lot at Griggs and Hyde Park

Staff's Recommendation: Approval with conditions

Board Member Boyd made a motion to approve Consent Agenda Items 1 through 3. The motion was seconded by Board Member Pritchard. The motion passed unanimously.

Chairman McCreery introduced Board Member Pritchard to serve as Zoning Chair for the remainder of the meeting. She then called the next case.

REGULAR AGENDA ITEMS:

Item 4: CASE #: **SUP 12-218**

NE CORNER OF E. HOLMES & HORNSBY DR.

Request: A Special Use Permit to construct a one hundred thirty eight foot (138') CMCS tower at 2124 East Holmes Road.

Staff's Recommendation: Approval with conditions

Chairman McCreery asked if the applicant was present and in agreement with staff's recommendation. He also asked if there was opposition. There was no opposition.

Lou Katzerman, a representative for the applicant, approached and stated his name and address as 4091 Viscount Ave., Memphis, TN. He then stated that he agreed with staff's recommendation.

Chairman McCreery asked for a motion.

Board Member Pritchard made a motion to approve Case SUP 12-218 in accordance with staff's recommendation. The motion was seconded by Board Member Boyd. The motion passed unanimously.

Item 5: CASE #: P.D. 12-313 CC HIGHWAY-385 PLANNED DEVELOPMENT

Request: Planned development to allow limited commercial land uses in accordance with Commercial Mixed Use (CMU-1) District, including motor vehicle sales, rental and leasing.

Staff's Recommendation: Approval with conditions

Chairman McCreery asked if the applicant was present and in agreement with staff's recommendation. He also asked if there was opposition. There was no opposition.

Homer Branan, a representative for the applicant, approached and stated his name and address as 999 S. Shady Grove, Memphis, TN. He then stated that he agreed with staff's recommendation and also made a friendly amendment regarding the lighting by reducing the light polls from 25ft. to 20ft. Staff was in agreement with the friendly amendment.

Chairman McCreery asked for a motion.

Board Member Pritchard made a motion to approve Case P.D. 12-313 CC in accordance with staff's recommendation and the mutually agreed upon friendly amendment to reduce the light polls from 25ft. to 20ft. The motion was seconded by Board Member Linkous. The motion passed unanimously.

*Board Member Pritchard recused herself from Item #6 and Chairman McCreery served for this case.

Item 6: CASE #: PD 12-314 ANNESDALE EVENTS PLANNED DEVELOPMENT

Request: Approval to permit special events on the grounds and smaller events in the home.

Staff's Recommendation: Approval with conditions

Chairman McCreery asked if the applicant was present and in agreement with staff's recommendation. He also asked if there was opposition. There was opposition and he requested for staff to present the staff report.

Gregory Love gave a brief summary of the staff report which included the location of the property. He stated the intent of the applicant's use for Annesdale Events Planned Development. He noted the site plan was proposed to have special events (weddings, wedding receptions, and corporate events or similar events) on the grounds and smaller events with a maximum of 60 attendees. He also noted another structure on the property which would be the primary residence of the owners/applicants. He presented aerial pictures, property boundaries; aerial and zoning maps of the property which included other publicly and privately owned properties. Greg showed an outline of the area for proposed 40 on-site parking as well as an additional (on-street) parking along Snowden Circle East and West. Gregory noted that staff's recommendation was in support of the application with conditions as noted:

1. Use will be limited to weddings, wedding receptions, and corporate events or similar events.
2. All events conclude by 10 p.m. (Sun.-Thur.) and 1 a.m. (Fri.-Sat.).
3. Setback to be 60ft. from the public ROW.
4. There be a minimum of (3) three security guards surrounding site and (1) one stationed at the service entrance on Agnes Place.
5. There be a minimum of 40 on-site guest parking spaces.
6. No valet parking will be allowed along Agnes Place.
7. Existing chain-linked fence will be removed.

Chairman McCreery asked the applicant to approach the podium to give comments.

Brenda Solomito, representative for the applicant, approached and stated her name and address as 2067 Kirby Parkway. She restated the proposed use for the site as well as the zoning for the area (RU-4) which included various uses that would not have to obtain approval from either LUCB or City Council. She then stated the unfavorable condition the home was in and the intent of the owners to restore and renovate the property and primary home structure to its original state in the 1940's. She added that the Annesdale Board of Directors was in support of the applicant to restore the home and not redevelop the property which was purchased May 2011. Ms. Solomito did propose to have valet parking on Snowden Circle East and West for events that would demand more parking than what is offered on site. She felt the proposed plan was a workable plan for the neighborhood and the site.

Chairman McCreery asked the applicant to approach the podium to give comments.

Stanton Thomas approached and stated his name and address as 1306 Agnes Place. He stated their area was part of a Preservation Historic District and they wanted to maintain the character of the neighborhood and quality of life for the residents. His concerns were the impact of the add'l traffic, the parking of cars and opening & closing car doors various hours of the night and the increased noise levels of the parties.

Tony Banks approached and stated his name and address as 789 Snowden Circle W. He stated that all of the homes in the area are 100+ years old and every property owner has been and will continue to renovate and rehab their homes. He felt that since the applicant was making renovations to his property does not warrant him getting approval for a special permit. As a

truck driver himself, he felt the big trucks bringing beer, supplies, etc. will tear up the streets. He added that too many improvements had been made in their area to have a quiet friendly neighborhood for it to all be disregarded.

Gloria Dobbs approached and stated her name and address as 1415 Agnes Place. She stated her concerns were the noise level, the music bands, and parking. She proposed for the applicant to install a barrier to divert the noise away from the neighborhood. She also mentioned the City signs that have been erected stating "No Trucks".

Carol Gibbs approached and stated her name and address as 1323 Agnes Place. She stated she lived behind the proposed site property. She stated that she commends the applicant to renovate the property and stated her concerns. Her concerns were the noise level and the additional service drive. She felt the residents have worked untiringly to make good productive changes to improve their neighborhood but some of the aspects of the proposed plan would alter everything they had done. She recalled some previous events that had occurred at the proposed site and the general public parked on Agnes Place and walked through their yards, jumped fences and increased the noise level. She added that since Lamar Ave. is commercial, all traffic should utilize the already install circular drive.

Chairman McCreery asked the applicant to re-approach for his rebuttal comments.

Brenda Solomito, re-approached and stated the applicants were aware of the previous activities that occurred on the site property and assure the surrounding residents they would have on-site security guards to control traffic, guests and safety of the neighborhood. She added that there would be security cameras installed and that there would be no heavy semi-trucks entering in through the service entrance, Lamar Ave. would always be the primary entrance. Ms. Solomito mentioned that other property owners are being spoke with for add'l parking and that on-street parking would be a 2nd or 3rd option, even though the UDC permits it.

Chairman McCreery made a motion to approve Case PD 12-314 in accordance with staff's recommendation to begin Board Discussion. The motion was seconded by Board Member Norcross.

Board Member Boyd stated that he understood the historical value the residents place on the neighborhood and felt it was unfortunate zoning could destroy the character and integrity of the neighborhood.

Board Member Trenholm suggested if there could be a compromise with alternative parking near the site property and/or place the case on hold to look into other options.

Board Member Willis agreed with Trenholm as to exploring other options for the issue of parking. She felt it would be great to have another event venue in the City, even though sacrifices would have to be made.

Chairman McCreery asked Ms. Solomito would a hold on the case be an option to give

opportunity to speak again with the residents. Ms. Solomito stated that she would not like to place the case on hold because there had been two meetings already with the residents and was aware of their concerns which most had been resolved in the conditions. She even mentioned that the owners/applicants would avail themselves to speak personally with the residents.

Board Member Norcross revisited all of the concerns (traffic, parking, noise) from the opposition and stated how each had been addressed and in some way resolved to make the project workable for the neighborhood.

Board Member Trenholm yet felt comprise should be sought after regarding the weekend hour of 1am for events to be ended.

Staff member, Gregory Love made the board aware and clarified that there was nothing in the staff's recommended conditions for valet parking.

Chairman McCreery asked if there were any more board discussion. With there being none, he mentioned the motion on the floor, the second and then asked for a vote.

Chairman McCreery allowed Board Member Boyd to request one resident in opposition to address the board members with comments.

Stanton Thomas approached again and stated that the initial proposed hours of operations on any day of the week was until 10pm not 1am on Fridays and Saturdays. He suggested also with the property being as large as it is, for all of the activities and parking be contained on-site and/or on the grounds of the Annesdale house. He also asked of any recourse the residents could take, noting that if the application was approved since it was not a binding legal document.

Chairman McCreery also allowed for a rebuttal from Ms. Solomito. She only stated that she and the applicants would be more than happy to meet with as time and the project progresses.

Chairman McCreery asked for a vote. The motion on the floor for approval with staff's recommendations passed unanimously.

ADJOURNMENT:

There being no further business, the meeting there upon adjourned.

MINUTES APPROVED: _____

10-11-12

CHAIRMAN

SECRETARY